

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1729 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 gaming.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-33-2-5.5 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2001]: **Sec. 5.5. "Cruise" means to depart from the dock while**
- 9 **gambling is conducted.**
- 10 SECTION 2. IC 4-33-2-7 IS AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2001]: Sec. 7. "Dock" means the location where
- 12 ~~an excursion~~ a riverboat moors for the purpose of embarking
- 13 passengers for and disembarking passengers from a ~~gambling~~
- 14 ~~excursion~~ **the riverboat.**
- 15 SECTION 3. IC 4-33-2-15.5 IS ADDED TO THE INDIANA CODE
- 16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 17 1, 2001]: **Sec. 15.5. "Patron" means an individual who:**
- 18 **(1) boards a riverboat; and**
- 19 **(2) is not entitled to receive a tax free pass.**
- 20 SECTION 4. IC 4-33-2-16.5 IS ADDED TO THE INDIANA CODE
- 21 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 22 1, 2001]: **Sec. 16.5. "Reporting period" means a twenty-four (24)**
- 23 **hour increment used by the department to assess taxes under this**

1 **article commencing at 6 a.m. on one (1) day and concluding at 5:59**
 2 **a.m. the following day."**

3 Page 1, reset in roman lines 9 through 10.

4 Page 2, reset in roman lines 11 through 15.

5 Page 3, between lines 25 and 26, begin a new paragraph and insert:

6 "SECTION 7. IC 4-33-4-10 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. **If a riverboat**
 8 **cruises**, the commission shall authorize the route of ~~a the~~ riverboat and
 9 the stops, if any, that the riverboat may make **while on a cruise**.

10 SECTION 8. IC 4-33-4-21.2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21.2. (a) The Indiana
 12 gaming commission shall require a licensed owner to conspicuously
 13 display the number of the toll free telephone line described in
 14 IC 4-33-12-6 in the following locations:

15 (1) On each admission ticket to a riverboat, ~~gambling excursion:~~
 16 **if tickets are issued**.

17 (2) On a poster or placard that is on display in a public area of
 18 each riverboat where gambling games are conducted.

19 (b) The toll free telephone line described in IC 4-33-12-6 must be:

20 (1) maintained by the division of mental health under
 21 IC 12-23-1-6; and

22 (2) funded by the addiction services fund established by
 23 IC 12-23-2-2.

24 (c) The commission may adopt rules under IC 4-22-2 necessary to
 25 carry out this section.

26 SECTION 9. IC 4-33-6-1 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The commission may issue
 28 to a person a license to own one (1) riverboat subject to the numerical
 29 and geographical limitation of owner's licenses under this section and
 30 IC 4-33-4-17. However, not more than eleven (11) owner's licenses
 31 may be in effect at any time. Except as provided in subsection (b),
 32 those eleven (11) licenses are as follows:

33 (1) Two (2) licenses for a riverboat that operates from **or is**
 34 **docked in** the largest city located in the counties described under
 35 IC 4-33-1-1(1).

36 (2) One (1) license for a riverboat that operates from **or is docked**
 37 **in** the second largest city located in the counties described under
 38 IC 4-33-1-1(1).

39 (3) One (1) license for a riverboat that operates from **or is docked**
 40 **in** the third largest city located in the counties described under
 41 IC 4-33-1-1(1).

42 (4) One (1) license for a city located in the counties described
 43 under IC 4-33-1-1(1). This license may not be issued to a city
 44 described in subdivisions (1) through (3).

45 (5) A total of five (5) licenses for riverboats that operate upon **or**
 46 **are docked in** the Ohio River ~~from at~~ counties described under

1 IC 4-33-1-1(2). The commission may not issue a license to an
 2 applicant if the issuance of the license would result in more than
 3 one (1) riverboat operating from **or docking in** a county described
 4 in IC 4-33-1-1(2).

5 (6) One (1) license for a riverboat that operates upon Patoka Lake
 6 from a county described under IC 4-33-1-1(3).

7 (b) If a city described in subsection (a)(2) or (a)(3) conducts two (2)
 8 elections under section 20 of this chapter, and the voters of the city do
 9 not vote in favor of permitting riverboat gambling at either of those
 10 elections, the license assigned to that city under subsection (a)(2) or
 11 (a)(3) may be issued to any city that:

12 (1) does not already have a riverboat operating ~~from in~~ the city;
 13 and

14 (2) is located in a county described in IC 4-33-1-1(1).

15 SECTION 10. IC 4-33-6-4 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) In determining
 17 whether to grant an owner's license to an applicant, the commission
 18 shall consider the following:

19 (1) The character, reputation, experience, and financial integrity
 20 of the following:

21 (A) The applicant.

22 (B) A person that:

23 (i) directly or indirectly controls the applicant; or

24 (ii) is directly or indirectly controlled by the applicant or by
 25 a person that directly or indirectly controls the applicant.

26 (2) The facilities or proposed facilities for the conduct of
 27 riverboat gambling.

28 (3) The highest prospective total revenue to be collected by the
 29 state from the conduct of riverboat gambling.

30 (4) The good faith affirmative action plan of each applicant to
 31 recruit, train, and upgrade minorities in all employment
 32 classifications.

33 (5) The financial ability of the applicant to purchase and maintain
 34 adequate liability and casualty insurance.

35 (6) If the applicant has adequate capitalization to provide and
 36 maintain a riverboat for the duration of the license.

37 (7) The extent to which the applicant exceeds or meets other
 38 standards adopted by the commission.

39 (b) In an application for an owner's license, the applicant must
 40 submit to the commission a proposed design of the riverboat and the
 41 dock. ~~The commission may not grant a license to an applicant if the~~
 42 ~~commission determines that it will be difficult or unlikely for the~~
 43 ~~riverboat to depart from the dock.~~

44 SECTION 11. IC 4-33-6-5 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. In an application for
 46 an owner's license, the applicant must state the dock at which the

1 riverboat is based and the navigable waterway on which the riverboat
2 will operate **or be located.**

3 SECTION 12. IC 4-33-6-9 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) A licensed owner
5 must post a bond with the commission at least sixty (60) days before
6 the commencement of **regular gambling on the** riverboat. ~~excursions.~~

7 (b) The bond shall be furnished in:

8 (1) cash or negotiable securities;

9 (2) a surety bond:

10 (A) with a surety company approved by the commission; and

11 (B) guaranteed by a satisfactory guarantor; or

12 (3) an irrevocable letter of credit issued by a banking institution
13 of Indiana acceptable to the commission.

14 (c) If a bond is furnished in cash or negotiable securities, the
15 principal shall be placed without restriction at the disposal of the
16 commission, but income inures to the benefit of the licensee.

17 (d) The bond:

18 (1) is subject to the approval of the commission;

19 (2) must be in an amount that the commission determines will
20 adequately reflect the amount that a local community will expend
21 for infrastructure and other facilities associated with a riverboat
22 operation; and

23 (3) must be payable to the commission as obligee for use in
24 payment of the licensed owner's financial obligations to the local
25 community, the state, and other aggrieved parties, as determined
26 by the rules of the commission.

27 (e) If after a hearing (after at least five (5) days written notice) the
28 commission determines that the amount of a licensed owner's bond is
29 insufficient, the licensed owner shall upon written demand of the
30 commission file a new bond.

31 (f) The commission may require a licensed owner to file a new bond
32 with a satisfactory surety in the same form and amount if:

33 (1) liability on the old bond is discharged or reduced by judgment
34 rendered, payment made, or otherwise; or

35 (2) in the opinion of the commission any surety on the old bond
36 becomes unsatisfactory.

37 (g) If a new bond obtained under subsection (e) or (f) is
38 unsatisfactory, the commission shall cancel the owner's license. If the
39 new bond is satisfactorily furnished, the commission shall release in
40 writing the surety on the old bond from any liability accruing after the
41 effective date of the new bond.

42 (h) A bond is released on the condition that the licensed owner
43 remains at the site for which the owner's license is granted for the
44 lesser of:

45 (1) five (5) years; or

46 (2) the date the commission grants a license to another licensed

owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

SECTION 13. IC 4-33-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and equipment for each license.

(b) **An owner's license issued under this chapter permits the holder to:**

(1) conduct gambling games authorized under this article while the riverboat is cruising or docked; and

(2) allow the continuous ingress and egress of passengers for purposes of gambling.

(c) An owner's license issued under this chapter must specify the place where the riverboat must operate and dock. However, the commission may permit the riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed one (1) year after the owner's license is issued.

~~(c)~~ (d) An owner's initial license expires five (5) years after the effective date of the license.

SECTION 14. IC 4-33-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. The commission may revoke an owner's license if:

(1) the licensee begins regular ~~riverboat excursions~~ **operations** more than twelve (12) months after receiving the commission's approval of the application for the license; and

(2) the commission determines that the revocation of the license is in the best interests of Indiana.

SECTION 15. IC 4-33-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) Except as provided in subsection (b), a riverboat ~~excursions~~ **cruise** may not exceed four (4) hours for a round trip.

(b) Subsection (a) does not apply to an extended cruise that is expressly approved by the commission.

SECTION 16. IC 4-33-9-14 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) This section
 2 applies only to a riverboat that operates from a county that is
 3 contiguous to the Ohio River.

4 (b) A ~~gambling excursion~~ **cruise** is permitted only when the
 5 navigable waterway for which the riverboat is licensed is navigable, as
 6 determined by the commission in consultation with the United States
 7 Army Corps of Engineers."

8 Page 10, between lines 5 and 6, begin a new paragraph and insert:

9 "SECTION 18. IC 4-33-10-5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. An action to
 11 prosecute a crime occurring during ~~a gambling excursion~~ **on a**
 12 **riverboat** shall be tried in the county of the dock where the riverboat
 13 is ~~based~~ **located**.

14 SECTION 19. IC 4-33-12-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A tax is imposed
 16 on admissions to ~~gambling excursions~~ **a riverboat** authorized under
 17 this article at a rate of three dollars (\$3) for each ~~person admitted to the~~
 18 ~~gambling excursion~~ **patron who is on board at the time a passenger**
 19 **count is recorded**.

20 (b) **Passenger counts must be recorded one (1) hour after the**
 21 **start of each reporting period and once every two (2) hours**
 22 **thereafter under procedures approved by the commission.**

23 (c) **If the riverboat's schedule as approved by the commission**
 24 **does not provide for the riverboat to be open to the public at the**
 25 **start of the reporting period, passenger counts must be recorded**
 26 **one (1) hour after the riverboat begins admitting patrons during a**
 27 **reporting period and once every two (2) hours thereafter under**
 28 **procedures approved by the commission.**

29 (d) This admission tax is imposed upon the licensed owner
 30 conducting the ~~gambling excursion~~ **operation**."

31 Page 10, after line 42, begin a new paragraph and insert:

32 "SECTION 21. THE FOLLOWING ARE REPEALED
 33 [EFFECTIVE JULY 1, 2001]: IC 4-33-2-8; IC 4-33-9-2;
 34 IC 4-33-12-2."

35 Delete pages 11 through 15.

36 Page 16, delete lines 1 through 25.

37 Page 16, delete lines 38 through 42.

38 Page 17, delete line 1.

39 Page 17, line 2, delete "(d)" and insert "(c)".

40 Page 17, line 5, delete "(e)" and insert "(d)".

41 Page 17, line 11, delete "(f)" and insert "(e)".

42 Page 17, delete lines 13 through 42.

43 Delete pages 18 through 34.

44 Page 35, delete lines 1 through 23.

45 Page 35, line 28, reset in roman "Except as provided by subsection
 46 (c),".

- 1 Page 36, line 34, delete "If a permit holder sells pulltabs".
 - 2 Page 36, delete lines 35 through 42.
 - 3 Page 37, delete line 1.
 - 4 Page 37, delete lines 13 through 21.
 - 5 Page 37, reset in roman lines 22 through 42.
 - 6 Page 38, reset in roman lines 1 through 5.
 - 7 Page 38, line 6, reset in roman "(d)".
 - 8 Page 38, line 6, delete "(c)".
 - 9 Page 38, line 7, after "(b)(2)" delete ":".
 - 10 Page 38, line 7, reset in roman "or subsection (c)(1):".
 - 11 Page 38, line 19, reset in roman "(e)".
 - 12 Page 38, line 19, delete "(d)".
 - 13 Page 38, line 27, reset in roman "(f)".
 - 14 Page 38, line 27, delete "(e)".
 - 15 Page 38, line 28, reset in roman "subsections".
 - 16 Page 38, line 28, delete "subsection".
 - 17 Page 38, line 28, after "(b)(5)" delete ":".
 - 18 Page 38, line 28, reset in roman "and (c)(5):".
 - 19 Page 39, delete lines 20 through 42.
 - 20 Delete pages 40 through 41.
 - 21 Page 42, delete lines 1 through 4.
 - 22 Page 43, delete lines 7 through 35.
 - 23 Page 44, delete lines 16 through 42.
 - 24 Delete page 45.
 - 25 Page 46, delete lines 1 through 11.
 - 26 Page 46, delete lines 30 through 42.
 - 27 Delete pages 47 through 51.
 - 28 Page 52, delete lines 1 through 17.
 - 29 Renumber all SECTIONS consecutively.
- (Reference is to HB 1729 as printed January 22, 2001.)

Representative Frenz